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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,650	01/11/2001	Junichi Ogino	24492	8022

20529 7590 07/15/2004

NATH & ASSOCIATES  
1030 15th STREET  
6TH FLOOR  
WASHINGTON, DC 20005

EXAMINER
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GARCIA, GABRIEL I

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/757,650

**Applicant(s)**

OGINO, JUNICHI

**Examiner**

Gabriel I Garcia

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 and 4</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Owa et al. (6,348,971).

With regard to claim 1, Owa et al. teaches a printing system for printing by a selected printer by selecting a desired printer from plural printers connected to a network (see figs. 1-2) comprising: a printing condition for storing the printing condition set by the user \*see fig. 1, item 12 and fig. 6); a printer driver selector for selecting a printer driver optimum for printing of the printing data by referring to the printing condition (see fig. 2); a status judging unit for judging the status of the printer corresponding to the selected printer driver (see fig. 2, item 13); wherein said printing condition memory comprises: a priority rank memory for storing the priority rank of printing property of printing data (see col. 5, lines 45-63); and a printer condition memory for storing the printing condition of every printer of printing data (see fig. 3-5 and 7).

With regard to claim 2, Owa et al. further teaches wherein the printing properly includes color or monochromatic selection of printing of printing data, number of copies,

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printing paper size, countermeasure in case of busy printer or error, type of application, and resolution (see figs. 3-5 and columns 5 and 6).

With regard to claims 3-6, the limitations of claims 3-6 are covered by the limitations of claims 1-2 above; and Owa et al. teaches the steps of setting the printing condition (see figs. 2, items 12 and/or 14).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto et al. (6,644,194) teaches a system for automatically optimizing a control quantity for a printer.

Aoki (6,631,008) teaches a network printing system for selecting a printer.

Kageyama et al. (5,625,757) teaches a printing system for sharing a plurality of printers.

Hower, Jr. et al. (5,467,434) teaches an apparatus for determining printer option availability.

Motoyama (5,353,388) teaches a system for document processing using different print drivers.

Lobiondo et al. (5,287,194) teaches a distributed printing system.

Sasaki et al. (5,228,118) teaches a printing system wherein one of printer drivers is selected.

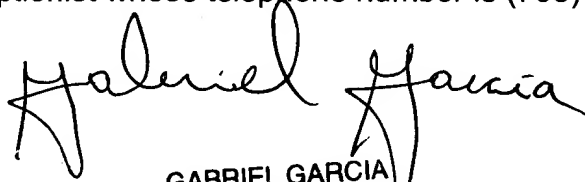
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Owa et al. (2001/0043357 A1) teaches a printing system and printing method for selecting an optimum printer.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (703) 305-8751. The examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.

**Gabriel I. Garcia**  
**Primary Examiner**  
July 12, 2004



GABRIEL GARCIA  
PRIMARY EXAMINER